

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

HAMPTON & HARRISON LLC,  
*Plaintiff*

V.

SENTINEL INSURANCE  
COMPANY LTD,  
*Defendant*

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CIVIL ACTION NO. 3:21-cv-898

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**SENTINEL INSURANCE COMPANY, LTD'S  
NOTICE OF REMOVAL**

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Defendant Sentinel Insurance Company, Ltd. ("Sentinel"), pursuant to 28 U.S.C. §§ 1441 and 1446, files this Notice of Removal of the captioned action: Cause No. DC-C202100137 – *Hampton & Harrison LLC v. Sentinel Insurance Company Ltd*, In the 18<sup>th</sup> Judicial District Court of Johnson County, Texas. In support of this Notice of Removal, Sentinel respectfully submits the following:

1. Plaintiff, Hampton & Harrison LLC ("Plaintiff") commenced the state court action by filing its Original Petition on March 24, 2021 (the "Petition"), in the 18<sup>th</sup> Judicial District Court, Johnson County, Texas. Sentinel was served by certified mail on March 29, 2021.

2. Sentinel has obtained certified copies of all process, pleadings, and orders from the 18<sup>th</sup> Judicial District Court of Johnson County. A copy of the state court's file is being filed with this Notice of Removal as Exhibit "A."<sup>1</sup>

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<sup>1</sup> Exhibit "A" – State Court File.

### **CITIZENSHIP**

3. The Petition avers that Plaintiff is a “domestic entity with its principal place of business in Johnson County, Texas.”<sup>2</sup> On information and belief, Plaintiff’s only current managing members are Ben Davis and Kila Davis. According to Plaintiff’s Certificate of Formation for a Texas Limited Liability Company, filed with the Texas Secretary of State on December 13, 2004, Plaintiff’s governing member, Ben Davis, initially listed an address at 2001 Beach Street Suite 626, Fort Worth, Texas 76103.<sup>3</sup> Plaintiff filed a Certificate of Amendment on May 22, 2015 and added Kila Davis as a manager/member, listing the address for both Ben Davis and Kila Davis as 13800 FM 2331, Godley, Texas 76044.<sup>4</sup> Accordingly, Plaintiff is a citizen of Texas for diversity jurisdiction purposes.

4. The Complaint also avers that Sentinel is a “domestic insurance company engaging in the business of insurance in the State of Texas.”<sup>5</sup> In fact, Sentinel is a Connecticut corporation whose principal place of business is in the State of Connecticut.

5. On information and belief, Plaintiff is a limited liability company whose members are all Texas residents. Sentinel is incorporated in Connecticut with its principal place of business in Connecticut. Complete diversity of citizenship exists.

6. Sentinel does not admit the underlying facts as alleged by Plaintiff in the Petition or as summarized above. Sentinel expressly denies that it has any liability to Plaintiff.

### **AMOUNT IN CONTROVERSY**

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<sup>2</sup> *Id.*, Complaint at ¶ 2.

<sup>3</sup> Exhibit “B” – Certificate of Formation and Certificate of Amendment.

<sup>4</sup> *Id.*

<sup>5</sup> Exhibit “A” – State Court File, Complaint at ¶ 2.

7. Generally, “the sum demanded in good faith in the initial pleading shall be deemed to be the amount in controversy.”<sup>6</sup> Removal is proper if it is “facially apparent” from the complaint that the claims asserted exceed the jurisdictional amount.<sup>7</sup> Penalties, exemplary damages, and attorneys’ fees are included as part of the amount in controversy.<sup>8</sup>

8. The Complaint alleges that “[i]n accordance with Rule 47 of the Texas Rules of Civil Procedure, Plaintiff seeks monetary relief over \$250,000 but not more than \$1,000,000.”<sup>9</sup> Accordingly, the amount in controversy requirement of 28 U.S.C. § 1332(b) is satisfied.

### **DIVERSITY JURISDICTION**

9. This Court has original jurisdiction pursuant to 28 U.S.C. § 1332(a), and the matter is removable to this Court pursuant to 28 U.S.C. § 1441(a) because there is complete diversity of citizenship between the Parties and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

### **REMOVAL PROCEDURE**

10. This Notice of Removal is filed within 30 days of service of Plaintiff’s Original Petition and is therefore timely under 28 U.S.C. § 1446(b). The clerk of the 18<sup>th</sup> Judicial District Court of Harris County, Texas has been provided with notice of this Removal.

11. The following related documents are attached to this notice and incorporated here by reference:

- a. Index of matters being filed;
- b. List of all Parties and counsel of record;

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<sup>6</sup> 28 U.S.C. § 1446(c)(2); *see also* *Wilson v. Hibu, Inc.*, No. 3:13-CV-2012-L, 2013 WL 5803816, at \*2 (N.D. Tex. Oct. 28, 2013).

<sup>7</sup> *John H. Carney & Assocs. v. State Farm Lloyds*, 376 F. Supp. 2d 697, 702 (N.D. Tex. 2005) (citing *Allen v. R&H Oil & Gas Co.*, 63 F.3d 1326, 1335 (5th Cir. 1995)).

<sup>8</sup> *H&D Tire & Automotive-Hardware, Inc. v. Pitney Bowes Inc.*, 227 F.3d 326, 330 (5th Cir. 2000); *see also* *St. Paul Reinsurance Co. v. Greenberg*, 134 F.3d 1250, 1253 (5th Cir. 1998).

<sup>9</sup> Exhibit “A” – State Court File, Complaint at subsection titled “Prayer.”

- c. Exhibit “A” – Documents contained in the state court file from the 18<sup>th</sup> Judicial District Court of Johnson County, Texas; and,
- d. Exhibit “B” – Certificate of Formation of Hampton & Harrison, LLC and Certificate of Amendment.

**CONCLUSION**

12. Based on the foregoing, the exhibits submitted in support of this removal, and other documents filed contemporaneously with this Notice of Removal, Sentinel Insurance Company, Ltd. removes this case to this Court for trial and final determination.

Respectfully submitted,

/s/ Martin R. Sadler  
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**CERTIFICATE OF SERVICE**

This is to certify that on this, the 19th day of April 2021, a true and correct copy of the foregoing document was served on all known counsel of record by electronic transmission, pursuant to the Texas Rules of Civil Procedure and applicable Local Rules, as follows:

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/s/ Martin R. Sadler  
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